

REFERENCE TITLE: off-highway vehicles; user fee

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2443

Introduced by
Representative Weiers JP

AN ACT

AMENDING SECTIONS 28-1171, 28-1173, 28-1174, 28-1175 AND 28-1176, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 3, ARTICLE 20, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-1177, 28-1178, 28-1179, 28-1180 AND 28-1181; AMENDING SECTIONS 28-2003, 28-2061, 28-2512, 28-5801 AND 28-6501, ARIZONA REVISED STATUTES; RELATING TO OFF-HIGHWAY VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-1171, Arizona Revised Statutes, is amended to
3 read:

4 ~~28-1171.~~ Definitions

5 In this article, unless the context otherwise requires:

6 1. "CLOSED COURSE" MEANS A MAINTAINED FACILITY THAT USES A DEPARTMENT
7 APPROVED DUST ABATEMENT MEASURE AND THAT HAS WATER AVAILABLE FOR FIRE
8 ABATEMENT.

9 ~~1-~~ 2. "Highway" means the entire width between the boundary lines of
10 every way publicly maintained by the federal government, the department, a
11 city, a town or a county if any part of the way is generally open to the use
12 of the public for purposes of CONVENTIONAL TWO-WHEEL DRIVE vehicular
13 travel. HIGHWAY DOES NOT INCLUDE ROUTES DESIGNATED FOR OFF-HIGHWAY VEHICLE
14 USE.

15 ~~2-~~ 3. "Off-highway recreation facility" includes off-highway vehicle
16 use areas and trails specifically developed and designated for use by
17 off-highway vehicles.

18 ~~3-~~ 4. "Off-highway vehicle":

19 (a) Means a motorized vehicle when operated off of highways on land,
20 water, snow, ice or other natural terrain or on a combination of land, water,
21 snow, ice or other natural terrain.

22 (b) Includes a two-wheel, three-wheel or four-wheel vehicle,
23 motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground
24 effects or air cushion vehicle and any other means of land transportation
25 deriving motive power from a source other than muscle or wind.

26 (c) Does not include a vehicle that is either:

27 (i) Designed primarily for travel on, over or in the water.

28 (ii) Used in installation, inspection, maintenance, repair or related
29 activities involving facilities for the provision of utility or railroad
30 service.

31 ~~4-~~ 5. "Off-highway vehicle special event" means an event THAT IS
32 endorsed, AUTHORIZED, PERMITTED or sponsored by a FEDERAL, STATE, county or
33 ~~municipality~~ MUNICIPAL AGENCY AND in which the event participants operate
34 off-highway vehicles on specific routes OR AREAS designated by a local
35 authority pursuant to section 28-627.

36 ~~5-~~ 6. "Off-highway vehicle trail" means a multiple use corridor that
37 is all of the following:

38 (a) Open to recreational travel by an off-highway vehicle.

39 (b) Not normally suitable for travel by conventional two-wheel drive
40 vehicles.

41 (c) Opened by the managing authority of the property that the trail
42 traverses for the specific designated purpose of recreational off-highway
43 vehicle use.

44 ~~6-~~ 7. "Off-highway vehicle use area" means the entire area of a
45 parcel of land, except for camping and approved buffer areas, that is managed

specifically for off-highway vehicle use ~~through the development or designation of off-highway vehicle trails.~~

Sec. 2. Section 28-1173, Arizona Revised Statutes, is amended to read:

28-1173. Enforcement; liability

A. All peace officers of this state and counties, cities or towns and other duly authorized state and federal employees shall enforce this article.

B. A FEDERAL, STATE, COUNTY OR MUNICIPAL AGENCY IS NOT SUBJECT TO CIVIL LIABILITY FOR ANY ACTION RELATING TO THE DESIGNATION OR MAINTENANCE OF ANY LAND, TRAIL, STREET OR HIGHWAY THAT IS OPEN FOR OFF-HIGHWAY VEHICLE USE.

Sec. 3. Section 28-1174, Arizona Revised Statutes, is amended to read:

28-1174. Operation restrictions; violation; classification

A. ~~It is unlawful for~~ A person ~~to~~ SHALL NOT drive an off-highway vehicle with reckless disregard for the safety of persons or property.

B. A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE IN A MANNER THAT CAUSES DAMAGE TO OR DISTURBANCE OF WILDLIFE, WILDLIFE HABITAT, CULTURAL OR NATURAL RESOURCES OR PROPERTY OR IMPROVEMENTS.

C. A PERSON SHALL NOT DRIVE AN OFF-HIGHWAY VEHICLE ON ROADS, TRAILS OR ROUTES UNLESS THEY ARE POSTED OPEN OR DRIVE ON ANY ROADS, TRAILS OR ROUTES IF DRIVING IS PROHIBITED.

D. A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE IN CONNECTION WITH ACTS OF VANDALISM, HARASSMENT OF WILDLIFE OR DOMESTIC ANIMALS, BURGLARIES OR OTHER CRIMES OR DAMAGE TO THE ENVIRONMENT, INCLUDING EXCESSIVE POLLUTION OF AIR, WATER OR LAND, ABUSE OF THE WATERSHED, IMPAIRMENT OF PLANT OR ANIMAL LIFE OR EXCESSIVE MECHANICAL NOISE.

E. A PERSON SHALL NOT PLACE OR REMOVE A REGULATORY SIGN GOVERNING OFF-HIGHWAY VEHICLE USE ON ANY PUBLIC OR STATE LAND. THIS SUBSECTION DOES NOT APPLY TO AN AGENT OF AN APPROPRIATE FEDERAL, STATE, COUNTY, TOWN OR CITY AGENCY OPERATING WITHIN THAT AGENCY'S AUTHORITY.

~~B-~~ F. A person who violates ~~this section~~ SUBSECTION A is guilty of a class 2 misdemeanor.

G. A PERSON WHO VIOLATES ANY OTHER PROVISION OF THIS SECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

~~C-~~ H. In addition to or in lieu of ~~the A~~ fine ~~prescribed by~~ PURSUANT TO this section, a judge may order the person to perform at least eight but not more than twenty-four hours of community restitution or to complete an approved safety course RELATED TO THE OFF-HIGHWAY OPERATION OF MOTOR VEHICLES, or both.

Sec. 4. Section 28-1175, Arizona Revised Statutes, is amended to read:

28-1175. Instruction course; fee

A. The ARIZONA GAME AND FISH department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics. The course shall include instruction on off-highway vehicle uses that limit air pollution and harm to natural terrain, vegetation and animals. Successful completion of the course requires successful passage of a written examination.

1 B. Any governmental agency, corporation or other individual that
 2 conducts a training ~~and~~ OR educational course, OR BOTH, that is approved by
 3 the department, THE BUREAU OF LAND MANAGEMENT OR THE UNITED STATES FOREST
 4 SERVICE OR THAT IS APPROVED OR ACCEPTED BY THE ALL-TERRAIN VEHICLE SAFETY
 5 INSTITUTE OR THE NATIONAL OFF-HIGHWAY VEHICLE CONSERVATION COUNCIL may
 6 collect a fee that is reasonable and commensurate for the training and that
 7 ~~does not exceed fifty dollars~~ IS DETERMINED BY THE DIRECTOR.

8 Sec. 5. Section 28-1176, Arizona Revised Statutes, is amended to read:
 9 28-1176. Off-highway vehicle recreation fund

10 A. An off-highway vehicle recreation fund is established. The fund
 11 consists of:

- 12 1. Monies appropriated by the legislature.
- 13 2. Monies deposited pursuant to ~~section~~ SECTIONS 28-1177 AND 28-5927.
- 14 3. Federal grants and private gifts.
- 15 ~~4. Matching monies from federal, state, local or private entities.~~

16 B. Monies in the off-highway vehicle recreation fund are appropriated
 17 to the Arizona state parks board solely for the purposes provided in this
 18 article. Interest earned on monies in the fund shall be credited to the
 19 fund. Monies in the off-highway vehicle recreation fund are exempt from the
 20 provisions of section 35-190 relating to lapsing of appropriations.

21 C. The Arizona game and fish department shall spend ~~thirty~~ _____ per
 22 cent of the monies in the off-highway vehicle recreation fund for an
 23 informational and educational program on off-highway vehicle recreation and
 24 law enforcement activities relating to this article and for off-highway
 25 vehicle law enforcement pursuant to title 17, chapter 4, article 3.

26 D. THE STATE LAND DEPARTMENT MAY SPEND UP TO _____ PER CENT OF THE
 27 MONIES IN THE OFF-HIGHWAY VEHICLE RECREATIONAL FUND TO ALLOW OCCUPANTS OF
 28 OFF-HIGHWAY VEHICLES WITH USER INDICIA TO CROSS STATE TRUST LAND ON EXISTING
 29 ROADS, TRAILS AND DESIGNATED ROUTES. AN OCCUPANT OF AN OFF-HIGHWAY VEHICLE
 30 WITH A USER INDICIA ISSUED PURSUANT TO SECTION 28-1177 WHO CROSSES STATE
 31 TRUST LANDS MUST COMPLY WITH ALL OF THE RULES AND REQUIREMENTS UNDER A STATE
 32 TRUST LAND RECREATIONAL PERMIT. ALL OTHER ACTIVITIES REQUIRE A STATE TRUST
 33 LAND RECREATIONAL PERMIT ISSUED BY THE STATE LAND DEPARTMENT. THE STATE LAND
 34 DEPARTMENT MAY USE THESE MONIES FOR COSTS ASSOCIATED WITH OFF-HIGHWAY VEHICLE
 35 USE OF LANDS WITHIN ITS JURISDICTION, TO MANAGE AND MITIGATE IMPACTS
 36 ASSOCIATED WITH OFF-HIGHWAY VEHICLE USE AND FOR ENFORCEMENT OF OFF-HIGHWAY
 37 VEHICLE RULES. ANY UNUSED BALANCE OF THESE MONIES AT THE END OF EACH FISCAL
 38 YEAR SHALL REMAIN IN THE FUND.

39 ~~D.~~ E. The Arizona state parks board shall spend ~~seventy~~ _____ per
 40 cent of the monies in the off-highway vehicle recreation fund for the
 41 following purposes:

- 42 1. No more than ~~eighteen~~ _____ per cent to fund staff support to
 43 plan and administer the off-highway vehicle recreation fund.
- 44 2. To establish a facility development program based on the priorities
 45 established in the off-highway vehicle plan.

3. ~~To establish a matching fund program for funding~~ TO FUND off-highway related law enforcement, informational and environmental education programs, mitigation of environmental damage, facility development, land acquisition and construction of off-highway vehicle related facilities.

~~E. F.~~ F. The allocation of the monies in ~~the matching fund program prescribed in~~ subsection D, paragraph 3 of this section and the percentages allocated to each of the purposes prescribed in ~~the program~~ SUBSECTION D, PARAGRAPH 3 OF THIS SECTION shall be determined by an off-highway vehicle plan prepared by the Arizona outdoor recreation coordinating commission and approved by the ARIZONA state parks board.

~~F. Monies in the matching fund program established under subsection D, paragraph 3 of this section shall be distributed in an amount determined by the Arizona outdoor recreation coordinating commission to a qualified state or federal agency, city, town, county or tribal government. The Arizona state parks board may require additional matching monies that may be direct monies or in-kind services from these entities before the distribution pursuant to this subsection.~~

G. Agencies receiving monies under this section shall use the monies:

1. To designate, construct, maintain and manage off-highway vehicle recreation facilities, off-highway vehicle use areas and off-highway vehicle trails within land under the jurisdiction of the particular agency.

2. For enforcement of off-highway vehicle laws.

3. For mitigation of damages to land.

4. For off-highway vehicle related environmental education.

H. The Arizona outdoor recreation coordinating commission shall examine applications for eligible projects and determine the amount of funding, if any, for each project.

Sec. 6. Title 28, chapter 3, article 20, Arizona Revised Statutes, is amended by adding sections 28-1177, 28-1178, 28-1179, 28-1180 and 28-1181, to read:

28-1177. Off-highway vehicle user fee; indicia; registration; exception

A. A PERSON SHALL NOT DRIVE A VEHICLE ON AN OFF-HIGHWAY VEHICLE TRAIL OR IN AN OFF-HIGHWAY VEHICLE USE AREA WITHOUT AN OFF-HIGHWAY VEHICLE USER INDICIA ISSUED BY THE DEPARTMENT. THE DEPARTMENT SHALL PRESCRIBE BY RULE THE DESIGN AND PLACEMENT OF THE INDICIA.

B. A PERSON SHALL APPLY TO THE DEPARTMENT OF TRANSPORTATION FOR THE OFF-HIGHWAY VEHICLE USER INDICIA BY SUBMITTING AN APPLICATION PRESCRIBED BY THE DEPARTMENT OF TRANSPORTATION AND A USER FEE IN AN AMOUNT TO BE DETERMINED BY THE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE DIRECTOR OF THE ARIZONA GAME AND FISH DEPARTMENT. THE FEE IS SUBJECT TO APPROVAL BY THE ARIZONA GAME AND FISH COMMISSION. THE USER INDICIA IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE.

C. WHEN A PERSON PAYS FOR AN OFF-HIGHWAY VEHICLE USER INDICIA PURSUANT TO THIS SECTION, THE PERSON MAY REQUEST A MOTOR VEHICLE REGISTRATION IF THE

1 VEHICLE MEETS ALL EQUIPMENT REQUIREMENTS TO BE OPERATED ON A HIGHWAY. THE
2 DEPARTMENT SHALL INSPECT THE VEHICLE AND IF THE DEPARTMENT DETERMINES THE
3 VEHICLE MEETS ALL OF THE EQUIPMENT REQUIREMENTS FOR HIGHWAY USE, THE
4 DEPARTMENT SHALL REGISTER THE VEHICLE FOR HIGHWAY USE AND THE VEHICLE OWNER
5 IS NOT REQUIRED TO PAY THE REGISTRATION FEE PRESCRIBED IN SECTION 28-2003.

6 D. THE DIRECTOR SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
7 SEVENTY PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE
8 OFF-HIGHWAY VEHICLE RECREATION FUND ESTABLISHED BY SECTION 28-1176 AND THIRTY
9 PER CENT OF THE USER FEES COLLECTED PURSUANT TO THIS SECTION IN THE ARIZONA
10 HIGHWAY USER REVENUE FUND.

11 E. THIS SECTION DOES NOT APPLY TO OFF-HIGHWAY VEHICLES, ALL-TERRAIN
12 VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES THAT ARE USED OFF-HIGHWAY
13 EXCLUSIVELY FOR AGRICULTURAL, RANCHING, CONSTRUCTION, MINING OR BUILDING
14 TRADE PURPOSES.

15 28-1178. Operation of off-highway vehicles; exceptions

16 A PERSON SHALL NOT OPERATE AN OFF-HIGHWAY VEHICLE IN THIS STATE WITHOUT
17 AN OFF-HIGHWAY VEHICLE USER INDICIA ISSUED PURSUANT TO SECTION 28-1177 EXCEPT
18 IF ANY OF THE FOLLOWING APPLIES:

19 1. THE PERSON IS PARTICIPATING IN AN OFF-HIGHWAY SPECIAL EVENT.

20 2. THE PERSON IS OPERATING AN ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE
21 OR OFF-ROAD RECREATIONAL MOTOR VEHICLE ON INDIAN LAND OR PRIVATE LAND WITH
22 THE EXPRESS PERMISSION OF THE LANDOWNER.

23 3. THE PERSON IS LOADING OR UNLOADING AN OFF-HIGHWAY VEHICLE FROM A
24 VEHICLE.

25 4. DURING A PERIOD OF SUBSTANTIAL EMERGENCY OR IF THE OPERATION IS
26 DIRECTED BY A PEACE OFFICER OR OTHER PUBLIC AUTHORITY.

27 28-1179. Off-highway vehicle equipment requirements; rule
28 making

29 A. AN OFF-HIGHWAY VEHICLE IN OPERATION IN THIS STATE SHALL BE EQUIPPED
30 WITH ALL OF THE FOLLOWING:

31 1. BRAKES ADEQUATE TO CONTROL THE MOVEMENT OF THE VEHICLE AND TO STOP
32 AND HOLD THE VEHICLE UNDER NORMAL OPERATING CONDITIONS.

33 2. LIGHTED HEADLIGHTS AND TAIL LIGHTS THAT MEET OR EXCEED ORIGINAL
34 EQUIPMENT MANUFACTURER GUIDELINES IF OPERATED BETWEEN ONE-HALF HOUR AFTER
35 SUNSET AND ONE-HALF HOUR BEFORE SUNRISE.

36 3. A MUFFLER THAT IS IN GOOD WORKING ORDER AND THAT IS IN CONSTANT
37 OPERATION TO PREVENT EXCESSIVE OR UNUSUAL NOISE ABOVE NINETY-SIX DECIBELS, IF
38 MEASURED FROM A DISTANCE OF TWENTY INCHES USING TEST PROCEDURES ESTABLISHED
39 BY THE SOCIETY OF AUTOMOTIVE ENGINEERS EXCEPT IF OPERATING ON A CLOSED
40 COURSE.

41 4. A SPARK ARRESTOR DEVICE THAT IS APPROVED BY THE UNITED STATES
42 DEPARTMENT OF AGRICULTURE AND THAT IS IN CONSTANT OPERATION EXCEPT IF
43 OPERATING ON A CLOSED COURSE.

44 5. A SAFETY FLAG THAT IS AT LEAST SIX BY TWELVE INCHES AND THAT IS
45 ATTACHED TO THE OFF-HIGHWAY VEHICLE AT LEAST EIGHT FEET ABOVE THE SURFACE OF

1 LEVEL GROUND, IF OPERATED ON SAND DUNES OR AREAS DESIGNATED BY THE MANAGING
2 STATE OR FEDERAL AGENCY WITH JURISDICTION OVER THE SAND DUNES OR AREAS.

3 B. A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE MAY NOT OPERATE OR RIDE
4 ON AN OFF-HIGHWAY VEHICLE ON PUBLIC OR STATE LAND UNLESS THE PERSON IS
5 WEARING PROTECTIVE HEADGEAR THAT IS PROPERLY FITTED AND FASTENED, THAT IS
6 DESIGNED FOR MOTORIZED VEHICLE USE AND THAT HAS A MINIMUM UNITED STATES
7 DEPARTMENT OF TRANSPORTATION SAFETY RATING.

8 C. IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION AND THE
9 ARIZONA GAME AND FISH DEPARTMENT, THE ARIZONA GAME AND FISH COMMISSION MAY:

- 10 1. ADOPT RULES NECESSARY TO IMPLEMENT THIS SECTION.
11 2. PRESCRIBE ADDITIONAL EQUIPMENT REQUIREMENTS NOT IN CONFLICT WITH
12 FEDERAL LAWS.

13 28-1180. Race or organized event; authorization required
14 NO PERSON MAY ORGANIZE, PROMOTE OR HOLD AN OFF-HIGHWAY VEHICLE RACE OR
15 OTHER ORGANIZED EVENT ON ANY LAND OR HIGHWAY IN THIS STATE, EXCEPT AS
16 AUTHORIZED BY THE APPROPRIATE AGENCY THAT HAS JURISDICTION OVER THE LAND OR
17 HIGHWAY OR THE LANDOWNER.

18 28-1181. Civil traffic violation
19 UNLESS OTHERWISE SPECIFIED IN THIS ARTICLE, A VIOLATION OF THIS ARTICLE
20 IS A CIVIL TRAFFIC VIOLATION.

21 Sec. 7. Section 28-2003, Arizona Revised Statutes, is amended to read:

22 28-2003. Fees; vehicle title and registration; identification
23 plate; definition

24 A. The following fees are required:

25 1. For each certificate of title, salvage certificate of title,
26 restored salvage certificate of title or nonrepairable vehicle certificate of
27 title, four dollars.

28 2. For each certificate of title for a mobile home, seven
29 dollars. The director shall deposit three dollars of each fee imposed by
30 this paragraph in the state highway fund established by section 28-6991.

31 3. EXCEPT AS PROVIDED IN SECTION 28-1177, for the registration of a
32 motor vehicle, eight dollars, except that the fee for motorcycles is nine
33 dollars.

34 4. For a duplicate registration card or any duplicate permit, four
35 dollars.

36 5. For each special ninety day nonresident registration issued under
37 section 28-2154, fifteen dollars.

38 6. Except as provided in paragraph 7 of this subsection, for the
39 registration of a trailer or semitrailer that is ten thousand pounds or less
40 gross vehicle weight, eight dollars, and for the registration of a trailer or
41 semitrailer that exceeds ten thousand pounds gross vehicle weight:

42 (a) On initial registration, a one-time fee of two hundred forty-five
43 dollars.

44 (b) On renewal of registration or if previously registered in another
45 state, a one-time fee of:

1 (i) If the trailer's or semitrailer's model year is less than six
2 years old, one hundred forty-five dollars.

3 (ii) If the trailer's or semitrailer's model year is at least six
4 years old, ninety-five dollars.

5 7. For the registration of a noncommercial trailer that is not a
6 travel trailer and that is less than six thousand pounds gross vehicle
7 weight:

8 (a) On initial registration, a one-time fee of twenty dollars.

9 (b) On renewal of registration, a one-time fee of five dollars.

10 8. For a transfer of a noncommercial trailer that is not a travel
11 trailer and that is less than six thousand pounds gross vehicle weight,
12 twelve dollars.

13 9. For each special ninety day resident registration issued under
14 section 28-2154, fifteen dollars.

15 10. For each one trip registration permit issued under section 28-2155,
16 one dollar.

17 11. For each temporary general use registration issued under section
18 28-2156, fifteen dollars.

19 12. For each identification plate bearing a serial or identification
20 number to be affixed to any vehicle, five dollars.

21 B. For the purposes of this section, "travel trailer" means a trailer
22 that is:

23 1. Mounted on wheels.

24 2. Designed to provide temporary living quarters for recreational,
25 camping or travel use.

26 3. Less than eight feet in width and less than forty feet in length.

27 Sec. 8. Section 28-2061, Arizona Revised Statutes, is amended to read:

28 ~~28-2061.~~ All-terrain vehicles; off-highway vehicles; off-road
29 recreational motor vehicles; certificates of title;
30 exemption

31 A. On the retail sale of a new ALL-TERRAIN VEHICLE, OFF-HIGHWAY
32 VEHICLE AS DEFINED IN SECTION 28-1171 OR off-road recreational motor vehicle,
33 the dealer or person first receiving the motor vehicle from the manufacturer
34 shall apply, on behalf of the purchaser, to the department for a certificate
35 of title to the motor vehicle in the name of the purchaser. If satisfied
36 that the application is genuine and regular and that the applicant is
37 entitled to a certificate, the department shall issue a certificate of title
38 to the motor vehicle without requiring registration for the motor vehicle.

39 B. A person WHO OWNS AN ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS
40 DEFINED IN SECTION 28-1171 OR OFF-ROAD RECREATIONAL MOTOR VEHICLE shall apply
41 for and obtain a certificate of title required by this section in the manner
42 prescribed in this chapter ON OR BEFORE JANUARY 1, 2009. On the transfer of
43 ownership of an ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS DEFINED IN
44 SECTION 28-1171 OR off-road recreational motor vehicle for which a

1 certificate of title is required by this section, a person shall apply for
2 and obtain a new certificate in the manner prescribed in this chapter.

3 C. A person participating in an off-highway vehicle special event as
4 defined in section 28-1171 is exempt from the requirements of this section.

5 Sec. 9. Section 28-2512, Arizona Revised Statutes, is amended to read:

6 28-2512. All-terrain motor vehicles; off-highway vehicles;
7 off-road recreational motor vehicles; license
8 plates; fee

9 A. EVERY OWNER OF AN ALL-TERRAIN VEHICLE, OFF-HIGHWAY VEHICLE AS
10 DEFINED IN SECTION 28-1171 OR OFF-ROAD RECREATIONAL MOTOR VEHICLE SHALL APPLY
11 TO THE DEPARTMENT FOR A LICENSE PLATE.

12 ~~A.~~ B. The department shall furnish to an owner of an ALL-TERRAIN
13 VEHICLE, OFF-HIGHWAY VEHICLE AS DEFINED IN SECTION 28-1171 OR off-road
14 recreational motor vehicle one license plate for each ~~titled off-road~~
15 ~~recreational motor~~ vehicle.

16 ~~B. The license plate is valid for the life of the vehicle.~~

17 C. The fee for a plate issued pursuant to this section is eight
18 dollars.

19 D. The license plate assigned to ~~an off-road recreational~~ A motor
20 vehicle PURSUANT TO THIS SECTION shall be:

- 21 1. Attached to the rear of the vehicle.
- 22 2. Securely fastened to the vehicle in a clearly visible position.

23 E. An owner of an off-highway vehicle as defined in section 28-1171
24 participating in an off-highway vehicle special event as defined in section
25 28-1171 is exempt from the requirements of this section.

26 F. ON OR BEFORE JANUARY 1, 2009, THE DIRECTOR SHALL ESTABLISH
27 PROCEDURES TO SYSTEMATICALLY REPLACE LICENSE PLATES ISSUED FOR ALL-TERRAIN
28 VEHICLES, OFF-HIGHWAY VEHICLES AND OFF-ROAD RECREATIONAL MOTOR VEHICLES
29 BEFORE JULY 1, 2008 WITH THE LICENSE PLATE PRESCRIBED IN THIS SECTION.

30 G. IN CONSULTATION WITH THE ARIZONA GAME AND FISH DEPARTMENT AND THE
31 ARIZONA STATE PARKS BOARD, THE DIRECTOR SHALL DESIGN THE LICENSE PLATE
32 PRESCRIBED BY THIS SECTION.

33 Sec. 10. Section 28-5801, Arizona Revised Statutes, is amended to
34 read:

35 28-5801. Vehicle license tax rate

36 A. At the time of application for and before registration each year of
37 a vehicle, the registering officer shall collect the vehicle license tax
38 imposed by article IX, section 11, Constitution of Arizona. On the
39 taxpayer's vehicle license tax bill, the registering officer shall provide
40 the taxpayer with the following:

- 41 1. Information showing the amount of the vehicle license tax that each
42 category of recipient will receive and the amount that is owed by the
43 taxpayer.

1 2. The amount of vehicle license tax the taxpayer would pay pursuant
2 to section 28-5805 if the taxpayer's motor vehicle was powered by alternative
3 fuel.

4 B. Except as provided in subsections C and D of this section:

5 1. During the first twelve months of the life of a vehicle as
6 determined by its initial registration, the vehicle license tax is based on
7 each one hundred dollars in value, the value of the vehicle is sixty per cent
8 of the manufacturer's base retail price of the vehicle and the vehicle
9 license tax rate for each of the recipients is as follows:

10 (a) The rate for the Arizona highway user revenue fund is one dollar
11 twenty-six cents.

12 (b) The rate for the county general fund is sixty-nine cents.

13 (c) The rate for counties for the same use as highway user revenue
14 fund monies is sixteen cents.

15 (d) The rate for incorporated cities and towns is sixty-nine cents.

16 2. During each succeeding twelve month period, the vehicle license tax
17 is based on each one hundred dollars in value, the value of the vehicle is
18 16.25 per cent less than the value for the preceding twelve month period and
19 the vehicle license tax rate for each of the recipients is as follows:

20 (a) The rate for the Arizona highway user revenue fund is one dollar
21 thirty cents.

22 (b) The rate for the county general fund is seventy-one cents.

23 (c) The rate for counties for the same use as highway user revenue
24 fund monies is seventeen cents.

25 (d) The rate for incorporated cities and towns is seventy-one cents.

26 3. The minimum amount of the vehicle license tax computed under this
27 section is ten dollars per year for each vehicle that is subject to the
28 tax. If the product of all of the rates prescribed in paragraph 1 or 2 of
29 this subsection is less than ten dollars, the vehicle license tax is ten
30 dollars. The vehicle license tax collected pursuant to this paragraph shall
31 be distributed to the recipients prescribed in this subsection based on the
32 percentage of each recipient's rate to the sum of all of the rates.

33 C. The vehicle license tax is as follows for noncommercial trailers
34 that are not travel trailers and that are less than six thousand pounds gross
35 vehicle weight:

36 1. On initial registration, a one-time vehicle license tax of one
37 hundred five dollars.

38 2. On renewal of registration, a one-time vehicle license tax of
39 seventy dollars.

40 D. The vehicle license tax is as follows for a trailer or semitrailer
41 that exceeds ten thousand pounds gross vehicle weight:

42 1. On initial registration, a one-time vehicle license tax of five
43 hundred fifty-five dollars.

44 2. On renewal of registration or if previously registered in another
45 state, a one-time vehicle license tax of:

1 (a) If the trailer's or semitrailer's model year is less than six
2 years old, three hundred fifty-five dollars.

3 (b) If the trailer's or semitrailer's model year is at least six years
4 old, one hundred dollars.

5 E. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN ALL-TERRAIN
6 VEHICLE OR OFF-HIGHWAY VEHICLE AS DEFINED IN SECTION 28-1171 IS EXEMPT FROM
7 PAYING VEHICLE LICENSE TAX IF THE ALL-TERRAIN VEHICLE OR OFF-HIGHWAY VEHICLE
8 MEETS ALL OF THE FOLLOWING CRITERIA:

9 1. IS DESIGNED BY THE MANUFACTURER PRIMARILY FOR TRAVEL OVER
10 UNIMPROVED TERRAIN.

11 2. HAS AN UNLADEN WEIGHT OF FIFTEEN HUNDRED POUNDS OR LESS.

12 3. IS SIXTY-ONE OR FEWER INCHES IN WIDTH.

13 4. HAS A WHEELBASE OF LESS THAN NINETY INCHES.

14 ~~F.~~ F. The vehicle license tax collected pursuant to subsection C or D
15 of this section shall be distributed to the recipients prescribed in
16 subsection B of this section based on the percentage of each recipient's rate
17 to the sum of all of the rates.

18 ~~F.~~ G. For the purposes of subsection C of this section, "travel
19 trailer" has the same meaning prescribed in section 28-2003.

20 Sec. 11. Section 28-6501, Arizona Revised Statutes, is amended to
21 read:

22 28-6501. Definition of highway user revenues

23 In this article, unless the context otherwise requires or except as
24 otherwise provided by statute, "highway user revenues" means all monies
25 received in this state from licenses, taxes, penalties, interest and fees
26 authorized by the following:

27 1. Chapters 2, 7, 8 and 15 of this title, except for:

28 (a) The special plate administration fees prescribed in sections
29 28-2404, 28-2412 through 28-2428 and 28-2514.

30 (b) The donations prescribed in sections 28-2404, 28-2412 through
31 28-2415, 28-2417 through 28-2428, 28-2453, 28-2454 and 28-2455.

32 2. SECTION 28-1177.

33 ~~2.~~ 3. Chapters 10 and 11 of this title.

34 ~~3.~~ 4. Chapter 16, articles 1, 2 and 4 of this title, except as
35 provided in sections 28-5926 and 28-5927.

36 Sec. 12. Effective date

37 This act is effective from and after June 30, 2008.